

Message Text

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ACTION EUR-08

INFO OCT-01 SS-14 ISO-00 INR-05 CIAE-00 PM-03 DODE-00

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FM USMISSION USBERLIN

TO AMEMBASSY BONN IMMEDIATE

INFO SECSTATE WASHDC IMMEDIATE 5905

AMEMBASSY BERLIN IMMEDIATE

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

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LIMDIS

E O 11652: NA

TAGS: PGOV MILI BQG AKB

SUBJ: PROPOSED ALLIED DEMARCHE TO SOVIETS ON ACCIDENT DAMAGES

IN EAST BERLIN

REF: (A) BONN 21091, (B) USBERLIN 3208

1. IN ORDER TO HEAD OFF ANY GDR MOVES IN THE NEW YEAR WE PROPOSE USING THE ISSUE OF ACCIDENT DAMAGES FOR A SPECIFIC APPROACH TO THE SOVIETS WHEREIN WE COULD ALSO MAKE THE GENERAL OBSERVATION THAT UNILATERAL CHANGES IN THE STATUS OF GREATER BERLIN ARE UNACCEPTABLE.

2. APPROACH WOULD BE AS FOLLOWS:

A. IN AUGUST THE MINISTRY OF FOREIGN AFFAIRS OF THE GDR MADE PARALLELED STATEMENTS TO THE EMBASSIES OF THE THREE WESTERN POWERS IN EAST BERLIN. IN THESE DEMARCHES, WHICH LIMITED OFFICIAL USE

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WERE NOT ACCEPTED BY THE THREE WESTERN POWERS, THE GDR SOUGHT TO CLAIM COMPENSATION FOR DAMAGES CAUSED BY ALLIED VEHICLES TRAVELLING IN ACCORDANCE WITH THE PROCEDURES BASED ON THE RIGHT OF FREE CIRCULATION THROUGHOUT GREATER BERLIN.

B. TRAFFIC ACCIDENT DAMAGES CAUSED BY ALLIED PERSONNEL MAY BE COMPENSATED UNDER EXISTING ADMINISTRATIVE PROCEDURES.

-- A PROCEDURE EXISTS FOR ADJUDICATION AND PAYMENT OF

LEGITIMATE CLAIMS OF THOSE SUFFERING DAMAGES AS A RESULT
OF AUTO ACCIDENTS CAUSED BY ALLIED PERSONNEL IN BERLIN.

-- THAT PROCEDURE IS LAID OUT IN U.S., BRITISH, AND FRENCH
SECTOR ORDINANCES 508.

-- THE ORDINANCE IS A PUBLIC DOCUMENT WHICH IS KNOWN
TO THE PUBLIC, INCLUDING INHABITANTS OF EAST BERLIN, SINCE
IN THE PAST PAYMENTS WERE MADE TO SUCH PERSONS WHO CLAIMED
RESTITUTION OF DAMAGES CAUSED BY ALLIED VEHICLES.

-- PERSONS WHO SUFFER INJURY OR DAMAGE SHOULD APPLY
TO THE SENAT. WE HAVE AUTHORIZED THE SENAT TO MAKE THESE
PAYMENTS; HOWEVER, NO CLAIMS HAVE BEEN RECEIVED FOR SOME
YEARS (OVER 10, AS BEST WE CAN TELL). WE CONTINUE TO
CAREFULLY RECORD THE DETAILS OF THE FEW INEVITABLE
ACCIDENTS WHICH OCCUR; HOWEVER, WE DO NOT KEEP THESE
RECORDS FOREVER.

-- THERE IS AN UNDERSTANDABLE 90-DAY TIME LIMIT FOR
THE FILING OF CLAIMS. ALL OF THE CASES ADVANCED BY THE GDR ARE
BEYOND THE TIME LIMIT.

-- THE TIME LIMIT MAY BE WAIVED, BUT ONLY FOR GOOD REASON.

-- TO SUM UP, WE WILL NOT ENTERTAIN CLAIMS ADVANCED
BY ANYONE OTHER THAN THE INJURED PARTY. THEIR SUBMISSION
MUST BE TIMELY. RECEIPT OF A CLAIM IS NOT A GUARANTEE
THAT WE WILL AUTHORIZE FULL, PARTIAL, OR ANY PAYMENT.

C. I BRING THIS MATTER TO YOUR ATTENTION ON BEHALF
OF THE ALLIED AUTHORITIES IN BERLIN. WE WISH TO DRAW
YOUR ATTENTION TO THE FACT THAT THIS PROCEDURE HAS
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EXISTED FOR SOME YEARS. WE THINK IT IS A USEFUL ONE.
WE PLAN NO CHANGES IN IT. LIKEWISE, WE EXPECT FROM THE
SOVIET SIDE THAT THERE WILL BE NO ATTEMPTS UNILATERALLY
ALTER SUCH ADMINISTRATIVE PROCEDURES (AS WELL AS OTHER
PROCEDURES WHICH COULD AFFECT THE STATUS OF GREATER
BERLIN). THE THREE GOVERNMENTS HAVE MADE IT CLEAR
THAT THIS STATUS CANNOT BE MODIFIED UNILATERALLY.
THE THREE GOVERNMENTS WILL CONTINUE TO REJECT ALL ATTEMPTS
TO PUT INTO QUESTION THE RIGHTS AND RESPONSIBILITIES
WHICH FRANCE, THE UNITED STATES, THE UNITED KINGDOM,
AND THE SOVIET UNION RETAIN RELATING TO ALL FOUR SECTORS
OF BERLIN. GEORGE

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